

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re:)	
)	
Gannett Peak, LLC)	
)	Case No. 23-30248
)	
)	Chapter 11
)	Subchapter V
)	
)	
Debtor)	

FIRST INTERIM APPLICATION OF THOMAS J. KAPUSTA FOR SUBCHAPTER V
TRUSTEE FEES AND EXPENSES

Thomas J. Kapusta, in his capacity as the Sub Chapter V Trustee d/b/a TK Enterprises, LLC. {"Applicant"}, pursuant to 11 U.S.C. §§ 330 and 331, hereby requests that the Court approve its Application and enter an Order thereby awarding certain Sub Chapter V Trustee 's fees and expenses incurred in connection with this case. In support thereof, Applicant respectfully represents:

1. Applicant is the Sub Chapter V Trustee of record for the Chapter 11 proceeding and has acted as such since being appointed same on August 1, 2023.
2. Thomas J. Kapusta is manager and sole member of TK Enterprises, LLC. Thomas J. Kapusta has over 40 years of experience as a practicing attorney in multiple jurisdictions.
3. Applicant has expended time in the form of professional services in support of this

Chapter 11 Sub Chapter V proceeding. This time has been itemized on records reflecting the work performed by the Applicant during the period covered by this First Interim Application. Attached hereto as Exhibit "A" are the time records/invoicing (Invoice #116) related to the services, setting forth the date of each service, a description of the service rendered, and the time spent rendering such service at a rate of \$275.00 per hour plus expenses noted, and the resulting fee charge on account of the service listed.


4. Applicant has listed on Exhibit "A" any expenses incurred directly in connection with Applicant's duties as Sub Chapter V Trustee of this proceeding and were necessary to Applicant's services.
5. This first interim application includes fees, expenses and sales taxes in the aggregate amount of \$3351.12 including expenses in the amount of \$50.96 and applicable sales tax in the amount of \$192.66 for the period of August 1, 2023, through November 1, 2023, that have not been previously applied for or approved for payment.
6. Work on this case during the time concerned has involved services from the Applicant related to the: (i) review, evaluation and verification of the Debtor's Schedules and Statements as required under 11 U.S.C. §521; (ii) meeting with the United States Trustee's office and court including the Initial Debtor Interview; the first meeting of creditors; working with Debtor Counsel and with Debtor and debtors creditors, (iii) reviewing any Debtor monthly operating reports; (iv) and general work including financial analysis, review of motions and responding to inquiries, meeting with applicable creditors and debtor counsel regarding the Chapter 11 Sub Chapter V proceeding.
7. The undersigned trustee represents to the Court that the services and expenses provided during the period covered by this First Interim Fee Application were ordinary and

necessary given the nature of this Chapter 11 Sub Chapter V proceeding, and that no work was excessive or detrimental to the Bankruptcy Estate.

8. Applicant further requests that the Court, pursuant to 11 U.S.C. §, 330 and 331 approve the allowance of fees and expenses as ought in this First Interim Fee Application and authorize the Debtor, as debtor in possession, to pay the balance of such fees and expenses as approved by the Court to the Applicant as funds are available in the account maintained by the Debtor.

WHEREFORE, Applicant prays that the Court, pursuant to 11 U.S.C. § 330 and 331, enter an Order approving the First Interim Application for Fee and Expenses of the Applicant, and award compensation for services rendered and expenses in the amount of \$3351.12 for the period covered in the First Interim Application, and direct the Debtor, as debtor-in-possession, to pay the balance of such fees and expenses to the Applicant from Debtor account as such funds become available without adversely affecting the ability of the Debtor to pay its ongoing expenses and otherwise perform the obligations of the Debtor as debtor-in-possession, and for any and all other relief deemed just and equitable in the premises.

Dated: November 3, 2023

Signed: 

Thomas J. Kapusta, Sub Chapter V Trustee
TK Enterprises, LLC
PO Box 90624
Sioux Falls, SD 57109
Phone: 605-376-6715
Email: tkapusta@aol.com

Thomas J Kapusta		EXHIBIT A
TK Enterprises, LLC		
Subchapter V Trustee		
PO Box 90624	Phone: 605-376-6715	
Sioux Falls, SD 57109	tkapusta@aol.com	
Bill To: Gannet Peak LLC c/o Attorney Maurice VerStandig The Dakota Bankruptcy Firm	Phone: 701-394-3215	Invoice # 116
Address: The Dakota Bankruptcy Firm, 1630 1st Avenue N., Suite B PMB 24, Fargo, ND 58102	Email: mac@mbvesq.com	Invoice Date: November 3, 2023
Case Name: Gannet Peak, LLC		Case #: 23-30248

Date	Services	Time Spent	Fee Total
8/1/2023	Set up file, review schedules, check for conflicts, complete and submit verified statement	.5 hr	\$137.50
8/1/2023	t/c with debtor attorney	.1 hr	\$27.50
8/1/2023	Review Motion for Joint Administration, Motion for Leave to Maintain Gift Cards, Motion to retain Existing Bank Accounts, Motion for Leave to Use Case Collateral, Motion to Leave and Pay Pre-Petition Wages, Motion to Alter CEO Pay Structure, Leave to pay critical vendors, Motion to expedite first day hearing, and declaration of Mark Petri	.4 hr	\$110.00
8/1/2023	Review Notice of Appearance of US Trustee	.1 hr	\$27.50
8/1/2023	Review order setting status conference	.1 hr	\$27.50
8/1/2023	Review debtor counsel cert. of service on expedited hearing	.1 hr	\$27.50
8/1/2023	Review application to approve counsel for debtors	.1 hr	\$27.50
8/1/2023	Review and calendar notice of creditor's meeting	.1 hr	\$27.50
8/1/2023	Review US Trustee motion to appear by video conference and order granting motion	.1 hr	\$27.50
8/2/2023	Review witness and exhibit list and supplemental certificate of service	.1 hr	\$27.50
8/2/2023	Review USTO limited objection to motions	.1 hr	\$27.50
8/3/2023	Prepare and attend motion hearing via video conference	.8 hr	\$220.00
8/3/2023	Review docket entry re: docket entry re: disposition of expedited motion	.1 hr	\$27.50
8/3/2023	Review order granting interim relief on joint administration, gift cards, pre-petition employee wages, claims of critical vendors, use of cash collateral	.2 hr	\$55.00
8/3/2023	Review and calendar motion of final hearing on motion by Debtors	.1 hr	\$27.50
8/6/2023	Review certificate of mailings for orders entered on expedited motions	.3 hr	\$82.50
8/7/2023	Email communications with debtor counsel and USTO regarding IDI scheduling	.1 hr	\$27.50
8/7/2023	Telephone call with debtor counsel regarding questions on the financials of debtor	.1 hr	\$27.50
8/8/2023	Review email sent by debtor counsel on soft drink vendor and t/c with debtor counsel regarding same	.1 hr	\$27.50
8/10/2023	Prepare and file motion to appear by telephone	.1 hr	\$27.50
8/14/2023	Review order entry on tax documents and other small business financial statements filed; review email communications by and between USTO and debtor counsel	.1 hr	\$27.50
8/15/2023	Review motion to alter CEO pay structure withdrawn and hearing canceled re: same	.1 hr	\$27.50

Date	Services	Time Spent	Fee Total
8/15/2023	Initial scan of tax returns of debtor	.1 hr	\$27.50
8/15/2023	Prepare for and attend via video conference hearing on interim motions	.5 hr	\$137.50
8/16/2023	Review docket entries and orders granted as result of 8-15-2023 hearing on various interim relief	.1 hr	\$27.50
8/18/2023	Review certificates of notice for each order entry from 8-15-2023 hearing	.2 hr	\$55.00
8/21/2023	Review USTO emails regarding scheduling IDI and response thereto	.1 hr	\$27.50
8/22/2023	Review notice of appearance of Attorney Lally for Kapitius Servicing	.1 hr	\$27.50
8/22/2023	Review motion to appear by video conference filed by Attorney Lally for Kapitius Servicing	.1 hr	\$27.50
8/24/2023	Prepare and file motion to appear by video conference	.1 hr	\$27.50
8/24/2023	Review motion to appear by telephone by USTO for 8-28-2023 hearing and order granting same	.1 hr	\$27.50
8/24/2023	Review emails from Attorney Lally	.1 hr	\$27.50
8/24/2023	Review debtor attorney response to Attorney Lally	.1 hr	\$27.50
8/24/2023	Review and respond to debtor and creditor attorneys' emails on proposed cash collateral orders for upcoming hearing	.1 hr	\$27.50
8/28/2023	Review complaint filed by debtor against Micro Advance Funding	.3 hr	\$82.50
8/25/2023	Review Attorney Lally suggested cash collateral order sent by email	.1 hr	\$27.50
8/28/2023	Review email from debtor counsel to Attorney Lally	.1 hr	\$27.50
8/28/2023	Review docket entry for order approving employment of debtor attorney	.1 hr	\$27.50
8/28/2023	Prepare for and attend hearing on final cash collateral motion	.2 hr	\$55.00
8/30/2023	Review order granting motion for leave to use cash collateral #74	.1 hr	\$27.50
8/31/2023	Review certificate of notice of order granting motion for leave to use cash collateral	.1 hr	\$27.50
9/6/2023	Prepare and submit monthly trustee report	.1 hr	\$27.50
9/6/2023	Review debtor filed status report	.1 hr	\$27.50
9/6/2023	Email from USTO regarding IDI and prepare and participate in 341 hearing	.5 hr	\$137.50
9/7/2023	Review email from USTO regarding required documents from debtors and docket entry for 341 meeting by USTO	.1 hr	\$27.50
9/11/2023	Prepare and file motion to appear by telephone for status conference	.1 hr	\$27.50
9/11/2023	Email exchange with clerk of court regarding motion, motion granted and review docketed entry	.1 hr	\$27.50
9/12/2023	Prepare for and attend status conference	.2 hr	\$55.00
9/12/2023	Review motion to enter into lease agreements	.1 hr	\$27.50
9/18/2023	Review docket entries post status conference re: scheduling orders and calendar events	.2 hr	\$55.00
9/26/2023	Review Proof of Claim Good Fund Proof of Claim 1-1	.3 hr	\$82.50
9/22/2023	Review emails by and between USTO and debtor counsel on motion verification on lease payments	.1 hr	\$27.50
9/26/2023	Review email from USTO to debtor counsel regarding missing documents	.1 hr	\$27.50
9/27/2023	Review email response from debtor counsel to USTO	.1 hr	\$27.50
9/27/2023	Docket review and calendar entry for telephonic hearing on motion to enter into lease agreements	.1 hr	\$27.50

Date	Services	Time Spent	Fee Total
9/28/2023	Review debtor counsel email to USTO transmitting documents required from USTO	.1 hr	\$27.50
9/30/2023	Review July and August bank statements	.1 hr	\$27.50
10/2/2023	Review debtor counsel email transmittal containing insurance coverage documents and review same	.1 hr	\$27.50
10/3/2023	Review debtor counsel email and attachments for workers comp coverage, bank accounting report form and form 1 and USTO response	.1 hr	\$27.50
10/3/2023	Prepare and submit monthly trustee report	.1 hr	\$27.50
10/4/2023	Review Proof of Claim Rewards Network #2-1	.3 hr	\$82.50
10/5/2023	Review Petri declaration in support of lease motion	.1 hr	\$27.50
10/5/2023	Review objection to motion to enter into lease agreements filed by Alerus Financial	.1 hr	\$27.50
10/11/2023	Review Proof of Claim Alerus Financial #3-1	.3 hr	\$82.50
10/25/2023	Review MOR for August #100 and September #103 2023	.4 hr	\$110.00
10/28/2023	Review opposition to motion to dismiss or convert #105	.1 hr	\$27.50
10/28/2023	Review certificate of notice #106	.1 hr	\$27.50
10/28/2023	Review and calendar notice of hearing #107	.1 hr	\$27.50
10/28/2023	Review debtor's plan of reorganization	.3 hr	\$82.50
10/31/2023	Review tax return	.2 hr	\$55.00
		Services Total	\$3,107.50
	service process expenses (copies and postage)		\$50.96
		SD Sales Tax @ 6.2% for services	\$192.66
DUE UPON RECEIPT.			
Make all checks payable to Thomas J Kapusta.			
		TOTAL	\$3,351.12

TRUSTEE SIGNATURE: ss/Thomas J. Kapusta
Date: November 3, 2023

Thomas Kapusta

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In Re:)	
)	
Gannett Peak, LLC)	
)	Case No. 23-30248
)	
)	Chapter 11
)	Subchapter V
)	
Debtor)	

NOTICE OF FIRST INTERIM APPLICATION OF THOMAS J. KAPUSTA
FOR SUBCHAPTER V TRUSTEE FEES AND EXPENSES

Thomas J. Kapusta, Subchapter V Trustee, has filed an application to be paid from the bankruptcy estate \$3107.50 for compensation for fees, \$192.66 for sales tax, and \$50.96 for reimbursement of expenses, for a total of \$3351.12 in fees, sales tax, and expenses. Your rights may be affected. You should read the application and this notice carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney have twenty-one (21) days to file with the Bankruptcy Clerk, a typewritten response explaining your position. The response must include the case name and case number and be signed and dated by you or your attorney. The response should also include your daytime telephone number or, if your attorney files the response, your attorney's telephone number. Only an attorney may file a response on behalf of a corporation, a partnership, or another formal legal entity.

If you are an attorney, you must file any response electronically. See additional information regarding electronic filing (CM/ECF) on the Court's website at www.ndb.uscourts.gov. If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 655 1st Avenue North, Suite 210, Fargo, North Dakota 58102-4932. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to parties in interest who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in-interest listed in by contacting the Bankruptcy Clerk's office at (701) 297-7100.

A hearing on the application may be set by separate order if a response is filed on or before the deadline stated above. If you or your attorney files a response to the application on or before the deadline stated above, the Court will call you or your attorney at the scheduled hearing time using the telephone number provided in the response. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing. Only an attorney may

represent a corporation, a partnership, or another formal legal entity at a hearing.

If no one files a response on or before the deadline stated above, the Court may enter an order granting the application without a hearing.

Dated: November 3, 2023

Signed: s/Thomas J. Kapusta


Thomas J. Kapusta

TK Enterprises, LLC

PO Box 90624

Sioux Falls, SD 57109

Phone: 605-376-6715

email: tkapusta@aol.com

Sub Chapter V Trustee